

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action Docket No.: 04CV12456-PBS

JOHN RAFFERTY)
 Plaintiff)
)
v.)
)
PAIGE HARDEN and)
AUGUSTUS H. DENIS)
 Defendants)

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(d)

Pursuant to Local Rule 16.1(d) in connection with the scheduling conference presently scheduled for January 3, 2005, the parties propose the following report:

1. Position of the Plaintiff

At approximately 6:00 PM on May 4, 2002, John Rafferty, a student at Boston College, exited an MBTA bus at a bus stop located 2045 Commonwealth Avenue, Brighton, MA. While the bus was still stopped, Mr. Rafferty walked around the front of the bus intending to cross the street. As Mr. Rafferty stepped out, he was struck by a vehicle driven by Defendant Paige Harden. The vehicle is owned by Defendant Augustus H. Denis. The front of the vehicle struck Mr. Rafferty and his body struck and shattered the windshield. Mr. Rafferty's body was thrown forward landing on Commonwealth Avenue. Mr. Rafferty was taken by ambulance to, and was treated at, Beth Israel Hospital suffering from head, neck, back, and right wrist injuries.

Plaintiff alleges that Ms. Harden was negligent in failing to operate her motor vehicle in a safe manner. Ms. Harden should have used caution in passing the stopped

MBTA bus at a busy street location. Ms. Harden failed to observe traffic conditions around her and was driving at an excessive rate of speed given the traffic conditions.

Mr. Rafferty continues to suffer from injuries occurred in the motor vehicle accident and has incurred medical bills as a result of said accident.

2. Position of the Defendants

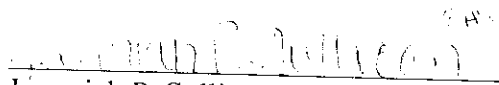
Defendant Paige Harden admits that on May 4, 2002, she was driving on Commonwealth Avenue in Brighton, MA when she hit the Plaintiff who had darted in front of her vehicle from in front of a stopped bus. Defendant Harden denies that she was speeding and denies that she was operating her vehicle negligently. Defendant Augustus Denis admits that on May 4, 2002 he was the owner of a 2000 Volkswagen Jetta, which he had given Paige Harden permission to use. The Defendants dispute liability, the nature and extent of the Plaintiff's injuries, and the reasonable necessity of his medical expenses.

3. Discovery Plan Proposed by the Parties

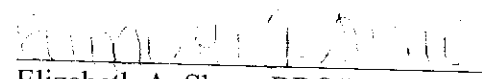
The parties propose that the parties should be permitted eight (8) months to conduct discovery, that the Plaintiff should designate experts and make a Rule 26(a)(2) disclosure of expert testimony within five (5) months after discovery begins, that Defendants should designate experts and make a Rule 26(a)(2) expert designation within seven (7) months after discovery begins, that the Plaintiffs should file a rebuttal Rule 26(a)(2) within seven and one-half (7 ½) months after discovery begins, that summary judgment briefs should be filed within nine (9) months after discovery begins, and that summary judgment oppositions should be filed within ten (10) months after discovery begins. The Defendants contend that discovery should begin on January 3, 2005.

4. Rule 16.1(3) Statement of Paige Harden and Augustus Denis is attached as Exhibit A.
5. Rule 16.1(3) Statement of John Rafferty is attached as Exhibit B.

Plaintiff,
By her Attorneys,


Jeremiah P. Sullivan, Jr. BBO#484640
Sullivan & McDermott
1988-1990 Centre Street
West Roxbury, MA 02132
617-323-2108

Defendants,
By their Attorneys,


Elizabeth A. Shaw, BBO#655183
Ronald E. Harding, BBO#221340
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84 State Street
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617-742-9310

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the
above document was served upon the
attorney of record for each other party
by mail-hand on December 23, 2004
Elizabeth A. Shaw

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action Docket No.: 04CV12456-PBS

JOHN RAFFERTY)
Plaintiff)

v.)

PAIGE HARDEN and)
AUGUSTUS H. DENIS)
Defendants)

RULE 16.1(3) STATEMENT OF PAIGE HARDEN AND AUGUSTUS H. DENIS

NOW COME counsel for the defendants in the above-captioned matter and defendants' insurer and certify that they have conferred:

- (a) With a view to establishing a budget for the costs of conducting the full course—and various alternative courses—of the litigation; and
- (b) To consider the resolution of the litigation through the use of alternative dispute resolution programs.

Jim Merket


United Services Automobile Association
By: Jim Merket, Litigation Manager

Elizabeth A. Shaw



Elizabeth A. Shaw, BBO# 655183
Weston, Patrick, Willard & Redding
84 State Street
Boston, MA 02109
617-742-9310

EXHIBIT B

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

John Rafferty)
Plaintiff,)
v.)
Paige Harden)
and)
Augustus Denis)
Defendant.)

NO. 04-12456-PBS

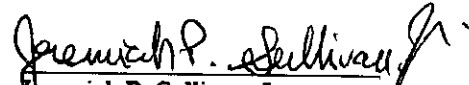
RE: Local Rule 16.1(3) Statement of John Rafferty

Now come the Plaintiff, John Rafferty and his counsel and certify that we have conferred:

(a) regarding establishing a budget for the cost of conducting the full course of the litigation and various alternative courses of the litigation; and

(b) regarding the resolution of the litigation through the use of alternative dispute resolution programs such as those outline in LR 16.4.


John Rafferty, Plaintiff


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DATED: December 23, 2004